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April 9, 2025

VIA ECF

The Honorable Valerie Figueredo  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007

**Re: *International Code Council, Inc. v. UpCodes, Inc. et al.* – Consolidated Case Nos.  
1:17-cv-6261, 1:20-cv-04316, and 1:22-cv-10815**

Dear Magistrate Judge Figueredo:

The parties submit this joint letter motion concerning the discovery schedule in consolidated case No. 1:17-cv-6261. The parties jointly move to reset the scheduling order in the consolidated cases for good cause to allow time for the parties to conduct discovery on the false advertising claims and the Second Copyright Case.

The parties need additional time to complete document production, supplement contention interrogatory responses, and conduct depositions based on the foregoing discovery. On September 6, 2024, Plaintiffs International Code Council, Inc. (“ICC”), filed a motion to compel Skidmore, Owings & Merrill LLP to comply with a Rule 45 Subpoena to Produce Documents, Information, or Objects or Permit Inspection of Premises in the above captioned proceeding.<sup>1</sup> ICC’s motion remains outstanding. Accordingly, the parties request an extension of the current discovery schedule to resolve the parties’ outstanding discovery disputes and complete all fact discovery (including third party discovery).

The parties have requested to reset the scheduling order six times previously, on March 22, 2021, July 24, 2023, October 26, 2023, March 20, 2024, August 5, 2024, and December 20, 2024 respectively. (Dkt. Nos. 115, 180, 186, 207, 210, 219). The Court granted each of the parties’ motions on March 22, 2021, July 26, 2023, October 30, 2023, March 26, 2024, August 7, 2024, and December 30, 2024 respectively. (Dkt. Nos. 116, 181, 187, 209, 211, 220.)

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<sup>1</sup> See *International Code Council, Inc., v. Skidmore, Owings & Merrill, LLP*, Case No. 1:24-mc-00412-JHR, Dkt. No. 1.



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Accordingly, the parties jointly move to reset the scheduling order in accordance with the proposed amended case schedule below for the consolidated cases for good cause to allow time for the parties to continue to conduct discovery.

Respectfully submitted,

A handwritten signature in black ink that reads 'Jane W. Wise'.

Jane W. Wise

## MEMO ENDORSED

A handwritten signature in black ink, likely belonging to Hon. Valerie Figueredo.

**HON. VALERIE FIGUEREDO**  
**UNITED STATES MAGISTRATE JUDGE**

**Dated:** 4/24/25

Because the Court has already granted six prior extensions of time and because this is a 2017 case (and the consolidated cases have also been pending for several years), this is the last extension request that the Court will grant absent extraordinary circumstances. The following schedule applies: September 30, 2025: Close of Fact Discovery in False Advertising Case and Second Copyright Case; October 30, 2025: Opening Expert Reports from Parting Bearing Burden of Proof in False Advertising Case and Second Copyright Case; December 5, 2025: Rebuttal Expert Reports in False Advertising Case and Second Copyright Case; January 15, 2026: Close of Expert Discovery in False Advertising Case and Second Copyright Case; February 13, 2026: Motions for Summary Judgment in False Advertising and Second Copyright Case; March 13, 2026: Oppositions to Motions for Summary Judgment in False Advertising and Second Copyright Case; March 27, 2026: Replies in Support of Motions for Summary Judgment in False Advertising Case and Second Copyright Case. The Clerk of Court is directed to terminate the motion at ECF No. 223.